

Appl. No. 09/996,488  
Amdt. Dated June 22, 2004  
Reply to Office action of March 24, 2004  
Attorney Docket No. P12699-US1  
EUS/JIP/04-3131

### **REMARKS/ARGUMENTS**

#### **Amendments**

The Applicants have canceled claims 1-26. Claims 27-44 have been added and are pending in the application. Support for the new claims is found in the Detailed Description of Figures 1 and 2 (pages 10-15). Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

#### **Claim Rejections – 35 U.S.C. § 112**

Claims 6, 8, 9, 11, 13-16, 19 and 21-26 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter as the invention. Claims 6, 8, 9, 11, 13-16, 19 and 21-26 have been cancelled rendering the rejection of these claims moot.

#### **Claim Rejections – 35 U.S.C. § 103 (a)**

Claims 1-26 are rejected under 35 U.S.C § 103(a) as being unpatentable over Luong (US 6,314,105, hereinafter Luong) in view of Fendick *et al* (US 6,252,857, hereinafter Fendick). Claims 1-26 have been canceled rendering moot the rejection of these claims.

The Applicant's invention monitors bandwidth in all circuits that are established between two nodes. At a predetermined traffic level measured between the two nodes, a Switched Virtual Circuit (SVC) is established to await a future connection. At the time the SVC is established, there may not be an immediate need for the circuit and the circuit may remain idle for a period of time. However, when the SVC is established each end of the circuit is connected to an end point in each node, not to a virtual terminal. A media gateway controller uses half calls to provide and maintain the connection between a virtual termination (VT) in each node and the end point. When an end user requests a connection between nodes, the end user is connected to the virtual termination in one node which is already connected to the end point. Connection signaling only has to take place between the end user and the VT in that node since the

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SVC is already established between the nodes. The signaling required for the second end user is also only required between the end user and the VT in the second node.

The Applicant respectfully directs the Examiner's attention to new claim 27:

27. (New) A method for communicating between nodes in a network via a switched virtual circuit (SVC) wherein the SVC is not broken down between communication episodes, the method comprising:  
establishing a connection between nodes by:  
monitoring current bandwidth usage between a first and second node for:  
determining whether transmissions between the first and second nodes exceed a predetermined threshold;  
responsive to the transmissions exceeding the predetermined threshold, establishing at least one SVC between the first and second nodes, wherein each end of the at least one SVC is connected to a first endpoint that is further connected to a first virtual termination (VT) present in the first node and a second endpoint that is further connected to a second VT in the second node; and  
responsive to a request from an end user in the first node to connect to an end user in the second node, connecting said first end user to the first VT in the first node and connecting to the second end user via the previously established at least one SVC and the endpoint in the second node to the second VT in the second node; and  
upon receiving a request to disconnect the first and second users, disconnecting the first end user from the first VT and the second end user from the second VT while maintaining the SVC between the first and second nodes even though the SVC is idle. (emphasis added)

The Applicant respectfully asserts that Fendick and Luong, individually or in combination, do not teach or suggest the above emphasized limitations.

The Luong reference appears to disclose an apparatus and method for determining when to set up and tear down switched virtual circuits. The underlying principle of the invention is to monitor bit rate between stations and when a threshold is reached a SVC is established. In contrast to the present invention, Luong does not maintain SVCs unless a bit rate threshold is met. If the bit rate is above a first threshold an SVC is established and the SVC is torn down when the bit rate is below a second threshold. The second bit rate threshold is utilized for determining the time to dismantle

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the SVC. (Col. 8, lines 31-36). The Applicant's invention does not disconnect the SVC according to a second threshold. The SVC is maintained even without traffic.

The Fendick reference is cited for disclosing the establishment of a SVC wherein the sender can cache the destination address. Fendick appears to disclose a method and apparatus for providing provisioned QoS in a network using Next Hop Resolution Protocol (NHRP) and dynamic QoS using Resource Reservation Setup Protocol (RSVP). In Fendick a SVC is established using QoS information received as a result of a NHRP resolution request. (Abstract). Fendick also discloses a SVC "shortcut" wherein a destination address of a connected SVC may be cached when the SVC is disconnected.

The Detailed Action states that assigning dummy addresses and adding SVCs during heavy traffic is obvious. The Applicant agrees, but the present invention does more than add SVCs and assign dummy addresses (see above). Further, the Action states that the capability can be implemented by combining the Fendick system at the Media Gateway. The motivation to do so would be to maintain SVC circuits for eventual use by end users. However in column 5, lines 10-15 of Fendick when a flow abatement is detected the SVC may be removed and the destination address may be cached. The implication is that the SVC is disconnected and an address is stored so that the reconnect of the SVC may be expedited. This feature is in direct contrast to the present invention, which maintains an SVC connection between endpoints in the nodes, even without traffic, as claimed in the above-emphasized limitations in claim 27.

For all of the above reasons, Luong and Fendick, taken singly or in combination, fail to teach or suggest all of the subject matter of claims 27-44 as required by 35 U.S.C. §103(a).


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### CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for Claims 27-44.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

  
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